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January 27, 1955

SEP 22 1998

CONCORD, N.H.

James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex  
Concord, New Hampshire

Re: Refusal of Available Employment

Dear Mr. Barry:

You have inquired by your letter of January 24, 1955, as to my opinion in reference to the question, "How long is a refusal to accept employment to be considered as rendering a person ineligible for public assistance?" This question is in relation to R.L., c. 26, s. 10, VII, as inserted by c. 87, Laws of 1953, which provides that "Public assistance shall not be granted to anyone who has refused to accept available employment." An answer to your question which would cover all possible circumstances is extremely difficult as the individual facts would have great bearing on any particular situation. In general the section speaks in the past tense as it provides that anyone who "has refused" available employment shall be denied assistance. I do not believe that it could be said that it was the intent of this section that a person who refused employment ten years ago, and has in the intervening period been self-supporting, should now be refused assistance if otherwise qualified. Again, just where the line should be drawn would, in my opinion, depend upon the circumstances of the individual case.

In your letter you make reference to a specific case where a proposed recipient refuses employment and within two weeks reapplies for assistance at which time the job refused has been filled and there is no other available employment. It is my opinion that under these circumstances the applicant would be disqualified for assistance. As a result of his own conduct, the refusal to take the job, he now requires assistance as the job is no longer available. Such a case is clearly within the intent of the section.

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ALABAMA

January 27, 1953

I shall be most pleased to consider and give my opinion in relation to this matter upon any specific case.

Very truly yours,

Richard C. Duncan  
Assistant Attorney General

RCD/aml